

U.S. EPA. REGION I
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Dickie McCamey

Peter T. Stinson
Attorney-at-Law
Admitted in PA

Direct Dial: 412-392-5202
Direct Fax: 412-392-5367
pstinson@dmclaw.com

March 29, 2011

Walter E. Mugdan, Director
Emergency & Remedial Response Division
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007-1866

237992



RE: Response to Notice of Potential Liability - PPG Industries, Inc.
Riverside Avenue Site, Newark, New Jersey

Dear Mr. Mugdan:

We have reviewed your letter dated January 18, 2011 to Charles E. Bunch, Chairman and Chief Executive Officer of PPG Industries, Inc. (PPG), notifying PPG that EPA believes PPG is potentially liable under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §9607(a), for response costs that the Agency has incurred at the so-called Riverside Avenue Site, 29 Riverside Avenue, Newark, New Jersey, consisting of Lot 63 and Lot 64 in Block 614 on the Tax Map of the City of Newark, and the land and structures previously known as Buildings 7, 8 and 12 (hereinafter, "the Site"). Although your letter does not require a response, PPG wishes to take this opportunity to comment on its asserted potential liability.

Based on information that EPA has provided to PPG, the January 18th notice letter stems from an October 30, 2009 request by the New Jersey Department of Environmental Protection (NJDEP) to EPA for assistance in responding to a reported discharge into the Passaic River in Newark. We understand that the source of the discharge was traced to two above ground storage tanks in one of the buildings comprising the Site (designated as Building #12) and located adjacent to the river. The tanks were reportedly interconnected and had been intentionally connected to a sewer discharge outlet in the building basement that led to the river. Thereafter, PPG received and responded to a Section 104(e) CERCLA Information Request focused specifically on the Site. See October 4, 2010 letter and enclosures from Thomas J. Ebbert.

As outlined in its 104(e) response (and the September 18, 1996 response to a prior information request), PPG purchased the Site through a predecessor entity more than 100 years ago. The Site was part of a larger parcel where PPG previously operated a paint manufacturing facility. Available information indicates that two of the three buildings comprising the Site (including Building #12) were not used for manufacturing purposes. PPG sold its Newark

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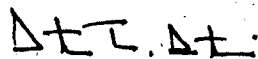
facility (including the Site) in 1971 and has had no further involvement in plant operations since that time. According to information supplied by the Agency, a minimum of 12 entities have occupied the property via ownership or leasing arrangements and a multitude of industrial operations were conducted there after that time. EPA has advised that the City of Newark is the current owner of the Site as well as the owner at the time of the October 2009 discharge.

Under these circumstances, PPG vehemently disputes that it may be liable for EPA's response costs incurred at the Site. Obviously, PPG had no involvement in the (potentially criminal) activities leading up to the reported October 2009 discharge to the Passaic River. To suggest that PPG bears any responsibility for the contents of the tanks located in the Building #12 basement at that time ignores the fact that PPG sold its paint manufacturing facility 40 years ago and has had no connection to the Site since then, while also overlooking that numerous other entities continued to use the Site and adjoining properties for their own industrial operations.

By the same token, PPG cannot be held responsible for the contaminants recently detected in other storage tanks or soil and groundwater samples collected at the Site. Once again, PPG has had no involvement at the Site since 1971. Prior to that time (and as described in its 104(e) responses), PPG retained a third-party hauling service to remove and dispose of drummed waste from the Newark facility, including residue that was generated and collected in storage tanks. No other evidence suggests that PPG was a source of the recently discovered contaminants. That PPG's involvement ended 40 years while numerous businesses continued to operate during the intervening period only reinforces this conclusion.

We appreciate your consideration of these comments. Should the Agency learn of any additional information that may bear on PPG's potential liability, we would request that you provide that information to us. This would include the anticipated response to a Section 104(e) Information Request issued to the City of Newark and any other entities that owned or operated the Site. We also request that EPA keep us informed of any decisions regarding potential future cleanup activities to be undertaken at the Site.

Sincerely,



Peter T. Stinson

PTS/lm

cc: ✓ Dwayne Harrington
William J. Reilly
Steven F. Faeth
Mark E. Terril
Thomas J. Ebbert

City Hall

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